

Exhibit 1A

Cause #

16C C.J.S. Constitutional Law § 1531

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Constitutional Law

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PART VI. Privileges and Immunities; Equal Protection

XVII. Subjects and Applications of Equal Protection Guarantee

K. Taxation; Licenses, and License Taxes

2. Licenses and License or Occupational Taxes

b. Motor Vehicles and Operators

§ 1531. Drivers' licenses

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West's Key Number Digest

West's Key Number Digest, [Constitutional Law](#)  3730, 3731

Provided that they apply alike to all members of a class, regulations requiring operators or drivers of motor vehicles to obtain licenses and pay fees therefor do not violate the Equal Protection Clause.

The State, in requiring licenses as a condition for driving motor vehicles, is restricted by the Equal Protection Clause;¹ however, the right to drive a motor vehicle is not a fundamental right such as to invoke strict judicial scrutiny.² Therefore, provided that they apply alike to all members of a class, regulations requiring operators or drivers of motor vehicles to obtain licenses and pay fees therefor do not violate the Equal Protection Clause.³ In addition, particular conditions for obtaining or retaining a motor vehicle operator's license are valid even though they result in licenses for some classes but not for others if they rest on a rational basis and are reasonable and not arbitrary.⁴ On the other hand, laws granting, suspending, or revoking motor vehicle operators' licenses based on arbitrary, irrational, or unreasonable classifications violate the Equal Protection Clause.⁵

A statute which provides a hearing, upon request, to one who is about to have his or her license suspended affords equal protection where it applies uniformly to all who come within its provisions.⁶

Driving while intoxicated.

A statute declaring that a licensed operator shall be deemed to have consented in advance to certain tests to determine if he or she has been driving in an intoxicated condition, and that refusal to submit to such tests shall be ground for revocation or suspension of his or her license, is not a denial of equal protection⁷ even where suspension is automatic for a driver who refuses the test but discretionary for a driver who takes the test and is found to be intoxicated.⁸ Equal protection is also not denied by suspending or revoking a license on conviction of driving under the influence of alcohol⁹ even where other drivers similarly convicted retain their licenses by participating in alcohol treatment programs.¹⁰

Other questions concerning equal protection and statutes concerning driving while intoxicated have been adjudicated.¹¹

Habitual offenses and point system.

Licenses may be suspended or revoked under habitual traffic offender¹² or point system¹³ statutes which make reasonable distinctions, without violating the Equal Protection Clause.

Hardship license.

A statute may authorize the issuance of a driver's license to one whose license has been suspended but who needs to drive in the performance of his or her occupation while denying a license to other drivers whose licenses have also been suspended but who do not need to drive for their employment.¹⁴ On the other hand, a driver whose license has been suspended may be refused a hardship license under a mandatory suspension statute even though he or she suffers hardship, such as the deprivation of his employment, while others with fewer or other convictions are permitted a license under an employment or hardship exception.¹⁵ The fact that application of a mandatory suspension law containing no hardship exception will result in some cases only in deprivation of the right to drive for pleasure while in others its application will deprive the motorist of his employment does not make such law violative of equal protection.¹⁶

CUMULATIVE SUPPLEMENT

Cases:

Suspension of attorney's driver's license, under California statutory scheme establishing public list of top 500 delinquent state taxpayers who owed in excess of \$100,000, and providing for suspension of driver's license of a taxpayer on the delinquent list, did not impermissibly burden attorney's chosen profession in violation of his Fourteenth Amendment substantive due process rights; revocation of his driver's license did not operate as a complete prohibition on his ability to practice law, in that he still had access to public transit. *U.S. Const. Amend. 14; Cal. Bus. & Prof. Code § 494.5; Cal. Rev. & Tax. Code § 19195. Franceschi v. Yee*, 887 F.3d 927 (9th Cir. 2018).

Pennsylvania statute requiring the suspension of driver's licenses upon license holders' conviction of any controlled substance offense under federal or state law, regardless of whether the offense involved a vehicle or traffic safety, was rationally related to legitimate governmental interests in receiving full federal funding and discouraging the violation of narcotics laws, and thus, statute did not violate equal protection; the legislature could treat different crimes differently, statute's legislative history

reflected not a purpose to discriminate, but to impose a suspension upon drug offenders as a message to young people of consequences of drug use and as a meaningful penalty, and federal law provided that federal funds would be withheld from a state that had not enacted or enforced a law requiring suspension of driver's license upon holder's conviction of any drug offense. *U.S. Const. Amend. 14, § 1*; *23 U.S.C.A. § 159(a)*; *75 Pa. Cons. Stat. Ann. § 1532(c)*. *Harold v. Richards*, 334 F. Supp. 3d 635 (E.D. Pa. 2018).

Tennessee statute authorizing revocation of driver's license of any person who failed to pay court fines, costs, or litigation taxes for year or more was not rationally related to state's legitimate interest in collecting court debts, and, thus, revocation of indigent drivers' licenses for failure to timely pay court debts, without inquiry into drivers' ability to pay, violated their due process and equal protection rights; revocation of indigent drivers' licenses would make it more difficult for them to hold a job and pay court debts, determination of indigence of court debtors fit into preexisting system where such determinations were wholly routine, and penalizing indigent court debtors for their inability to satisfy their debts was powerful threat to basic self-sufficiency needed to pay court debts. *U.S. Const. Amend. 14*; *Tenn. Code Ann. § 40-24-105(b)*. *Thomas v. Haslam*, 329 F. Supp. 3d 475 (M.D. Tenn. 2018).

Amendment to statute, governing the operation of a motor vehicle during a period of suspension, revocation, or impoundment, applied to defendant who had her license suspended after pleading guilty to first-offense driving during revocation, and thus court had discretion, and it was not required that defendant have her driver's license revoked for a period of one year; statute was amended after defendant committed the offense of driving during revocation, but before final judgment. *Neb. Rev. Stat. § 60-4,108*. *State v. Huston*, 298 Neb. 323, 903 N.W.2d 907 (2017).

[END OF SUPPLEMENT]

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Footnotes

- 1 N.Y.—*People v. Joy*, 50 Misc. 2d 690, 271 N.Y.S.2d 15 (Dist. Ct. 1966).
 - 2 Mo.—*Stewart v. Director of Revenue*, 702 S.W.2d 472 (Mo. 1986).
Neb.—*Porter v. Jensen*, 223 Neb. 438, 390 N.W.2d 511 (1986).
N.C.—*Henry v. Edmisten*, 315 N.C. 474, 340 S.E.2d 720 (1986).
 - 3 Fla.—*State v. Quigg*, 86 Fla. 51, 96 So. 8 (1923).
 - 4 U.S.—*Rehbock v. Dixon*, 458 F. Supp. 1056 (N.D. Ill. 1978).
Conn.—*Cormier v. Commissioner of Motor Vehicles*, 105 Conn. App. 558, 938 A.2d 1258 (2008).
Mo.—*Amick v. Director of Revenue*, 428 S.W.3d 638 (Mo. 2014), cert. denied, 135 S. Ct. 226, 190 L. Ed. 2d 171 (2014).
N.M.—*State v. Valdez*, 2013-NMCA-016, 293 P.3d 909 (N.M. Ct. App. 2012).
Pa.—*Thorek v. Com., Dept. of Transp., Bureau of Driver Licensing*, 938 A.2d 505 (Pa. Commw. Ct. 2007).
R.I.—*Beaudoin v. Petit*, 122 R.I. 469, 409 A.2d 536 (1979).
S.C.—*State v. Newton*, 274 S.C. 287, 262 S.E.2d 906 (1980).
- Age**
Me.—*State v. Dube*, 409 A.2d 1102 (Me. 1979).
- Conviction of controlled substances violation**
Mass.—*Rushworth v. Registrar of Motor Vehicles*, 413 Mass. 265, 596 N.E.2d 340 (1992).
- Disqualification of commercial driver's license**
Wash.—*Martin v. State Dept. of Licensing*, 175 Wash. App. 9, 306 P.3d 969 (Div. 2 2013).
- Surrender of license from other jurisdiction**
N.H.—*State v. Mitchell*, 115 N.H. 720, 349 A.2d 862 (1975).
- Sales tax**
U.S.—*Wells v. Malloy*, 402 F. Supp. 856 (D. Vt. 1975), aff'd, 538 F.2d 317 (2d Cir. 1976).
- Suspension of license for adverse medical condition**
Me.—*Davis v. Secretary of State, Div. of Motor Vehicles*, 577 A.2d 338 (Me. 1990).

Vision

Iowa—*Gooch v. Iowa Dept. of Transp.*, 398 N.W.2d 845 (Iowa 1987).

A.L.R. Library

Validity of State Statutes, Regulations, or other Identification Requirements Restricting or Denying Driver's Licenses to Illegal Aliens, 16 A.L.R.6th 131.

5 Ill.—*People v. Sherman*, 57 Ill. 2d 1, 309 N.E.2d 562 (1974).

Wyo.—*Johnson v. State Hearing Examiner's Office*, 838 P.2d 158 (Wyo. 1992).

Bar based on prior convictions

U.S.—*Miller v. Carter*, 547 F.2d 1314 (7th Cir. 1977), judgment aff'd, 434 U.S. 356, 98 S. Ct. 786, 54 L. Ed. 2d 603 (1978).

6 La.—*Spencer v. State Dept. of Public Safety*, 315 So. 2d 912 (La. Ct. App. 4th Cir. 1975).

Notification period

Neb.—*Giberson v. Quinn*, 445 A.2d 1007 (Me. 1982).

7 Ark.—*Cook v. State*, 321 Ark. 641, 906 S.W.2d 681 (1995).

Ga.—*State v. Martin*, 266 Ga. 244, 466 S.E.2d 216 (1996).

Neb.—*Betterman v. State, Dept. of Motor Vehicles*, 273 Neb. 178, 728 N.W.2d 570 (2007).

Or.—*State v. Abbey*, 239 Or. App. 306, 245 P.3d 152 (2010).

Consent not withdrawn when unconscious

N.M.—*State v. Trujillo*, 85 N.M. 208, 1973-NMCA-076, 510 P.2d 1079 (Ct. App. 1973).

Determination by plea held violative

Vt.—*Veilleux v. Springer*, 131 Vt. 33, 300 A.2d 620 (1973).

Evidence of lack of uniform enforcement insufficient

Ky.—*Newman v. Stinson*, 489 S.W.2d 826 (Ky. 1972).

Person of own choosing to administer chemical test

Ohio—*Smith v. State Registrar of Motor Vehicles*, 40 Ohio App. 2d 208, 69 Ohio Op. 2d 195, 318 N.E.2d 431 (2d Dist. Montgomery County 1974).

Use of urine test rather than blood test

Minn.—*Hayes v. Commissioner of Public Safety*, 773 N.W.2d 134 (Minn. Ct. App. 2009).

Time limit on administration of test

Iowa—*State v. Martin*, 383 N.W.2d 556 (Iowa 1986).

8 Colo.—*Augustino v. Colorado Dept. of Revenue Motor Vehicle Division*, 193 Colo. 273, 565 P.2d 933 (1977).

N.M.—*In re McCain*, 1973-NMSC-023, 84 N.M. 657, 506 P.2d 1204 (1973).

Classes different with applicable one applicable

Cal.—*Walker v. Department of Motor Vehicles*, 274 Cal. App. 2d 793, 79 Cal. Rptr. 433 (2d Dist. 1969).

Probationary or temporary license

Colo.—*Hall v. Charnes*, 42 Colo. App. 111, 590 P.2d 516 (App. 1979).

N.D.—*Gableman v. Hjelle*, 224 N.W.2d 379 (N.D. 1974).

9 Ark.—*Carney v. State*, 305 Ark. 431, 808 S.W.2d 755 (1991).

Ill.—*People v. Fisher*, 184 Ill. 2d 441, 235 Ill. Dec. 454, 705 N.E.2d 67 (1998).

Mo.—*Amick v. Director of Revenue*, 428 S.W.3d 638 (Mo. 2014), cert. denied, 135 S. Ct. 226, 190 L. Ed. 2d 171 (2014).

Summary proceeding

Ind.—*Ruge v. Kovach*, 467 N.E.2d 673 (Ind. 1984).

N.C.—*Henry v. Edmisten*, 315 N.C. 474, 340 S.E.2d 720 (1986).

10 Cal.—*Department of Motor Vehicles v. Superior Court*, 58 Cal. App. 3d 936, 130 Cal. Rptr. 311 (1st Dist. 1976).

Mass.—*Healy v. First Dist. Court of Bristol*, 367 Mass. 909, 327 N.E.2d 894 (1975).

Pa.—*Freed v. Com.*, 48 Pa. Commw. 178, 409 A.2d 1185 (1979), order aff'd, 493 Pa. 230, 425 A.2d 747 (1981).

Denial of alcohol-related difficulties

N.Y.—*Miller v. Tofany*, 88 Misc. 2d 247, 387 N.Y.S.2d 342 (Sup 1975).

Non-alcohol-related offenses

Wash.—*State v. Kent*, 87 Wash. 2d 103, 549 P.2d 721 (1976).

11 **Shorter suspension for commercial licensees**

Cal.—*Peretto v. Department of Motor Vehicles*, 235 Cal. App. 3d 449, 1 Cal. Rptr. 2d 392 (1st Dist. 1991).

Juvenile offenders

Iowa—*In Interest of C.P.*, 569 N.W.2d 810 (Iowa 1997).

Minn.—*Backdahl v. Commissioner of Public Safety*, 479 N.W.2d 89 (Minn. Ct. App. 1992).

Mo.—*Riche v. Director of Revenue*, 987 S.W.2d 331 (Mo. 1999).

Wash.—*Davis v. State ex rel. Department of Licensing*, 137 Wash. 2d 957, 977 P.2d 554 (1999).

Probationary license

Colo.—*Bath v. Colorado Dept. of Revenue, Motor Vehicle Div.*, 758 P.2d 1381 (Colo. 1988).

Lesser penalty for refusing test unconstitutional

Ohio—*State v. Culp*, 65 Ohio Misc. 2d 88, 641 N.E.2d 293 (Mun. Ct. 1994).

Varying punishments

Ark.—*O'Neill v. State*, 322 Ark. 299, 908 S.W.2d 637 (1995).

Colo.—*People v. Shaver*, 630 P.2d 600 (Colo. 1981).

Fla.—*Zarsky v. State*, 300 So. 2d 261 (Fla. 1974).

Ga.—*Camp v. Department of Public Safety*, 241 Ga. 419, 246 S.E.2d 296 (1978).

Issue of validity not determinative

Wash.—*State v. Scheffel*, 82 Wash. 2d 872, 514 P.2d 1052 (1973).

Colo.—*Keegan v. State, Dept. of Revenue*, 194 Colo. 325, 571 P.2d 1110 (1977).

Mo.—*Phipps v. Schaffner*, 505 S.W.2d 89 (Mo. 1974).

Minors

Colo.—*Lopez v. Motor Vehicle Division, Dept. of Revenue*, 189 Colo. 133, 538 P.2d 446 (1975).

Truck drivers

Utah—*Barney v. Cox*, 588 P.2d 696 (Utah 1978).

Regular or chauffeur's license

Colo.—*Smith v. Charnes*, 649 P.2d 1089 (Colo. 1982).

Arrival at place of employment

Tex.—*Ex parte Salter*, 452 S.W.2d 711 (Tex. Civ. App. Houston 1st Dist. 1970), writ refused, (July 29, 1970).

Cal.—*Pepin v. Department of Motor Vehicles*, 275 Cal. App. 2d 9, 79 Cal. Rptr. 657 (4th Dist. 1969).

Mo.—*Williams v. Schaffner*, 477 S.W.2d 55 (Mo. 1972).

Occupational driving permits to implied consent violators

Neb.—*Porter v. Jensen*, 223 Neb. 438, 390 N.W.2d 511 (1986).

Improper grant elsewhere

Ohio—*City of Akron v. Doane*, 59 Ohio Misc. 1, 13 Ohio Op. 3d 48, 391 N.E.2d 755 (Mun. Ct. 1978), judgment aff'd, 1979 WL 207519 (Ohio Ct. App. 9th Dist. Summit County 1979).

Farm labor vehicle driver certificate

Cal.—*Alderette v. Department of Motor Vehicles*, 135 Cal. App. 3d 174, 185 Cal. Rptr. 172 (1st Dist. 1982).

Ariz.—*Kellum v. Thorneycroft ex rel. Arizona Highway Dept. Motor Vehicle Div.*, 133 Ariz. 115, 649 P.2d 994 (Ct. App. Div. 2 1982).

Cal.—*Murphy v. Department of Motor Vehicles*, 86 Cal. App. 3d 119, 150 Cal. Rptr. 20 (4th Dist. 1978).